

## AMENDMENT

### Amendments to Claims

Please amended the claims submitted application, as contained in International Publication No. WO 2004/0400069 as follows.

1. (Amended) A modular construction, in particular a pond construction or other garden construction, wherein the construction is supported in the subsoil, comprising at least two tubes, of which first, substantially hollow ends project into the subsoil, and wherein screw thread-shaped flanges are provided on the tubes, which support the tubes in the subsoil, at least two coupling pieces which are, ~~at least during construction,~~ each axially freely pivotably supported on a second end of the respective tubes, and a girder attached the coupling pieces.
2. (Amended) A modular construction according to claim 1, ~~characterized by~~ further comprising a foil and a clamping section, by means of which the foil is clamped on the girder.
3. (Amended) A modular construction according to claim 1 ~~or 2, characterized in that~~ wherein the construction is a pier construction.
4. (Amended) A modular construction according to claim 1, ~~characterized in that~~ wherein the construction is a pergola construction.
5. (Amended) A modular construction system ~~for use in constructions according to claim 1,~~ comprising at least two tubes, each having a first, substantially hollow end, wherein screw thread-shaped flanges are provided on the tubes,- at least two coupling pieces which fit on

second ends of the tubes, for being axially freely pivotably supported on the second ends during construction, and a girder for attaching to the coupling pieces.

6. (Amended) A modular construction system according to claim 5, ~~characterized in that~~ wherein the tubes, the coupling pieces and the girder are substantially ~~from~~ comprised of a material selected from the group consisting of steel and/or and plastic.

7. (Amended) A modular construction system according to claim 5 ~~or 6, characterized in that,~~ wherein ~~near the heads,~~ the tubes are provided with an engaging element near the heads for cooperation with a driving element for exerting a turning moment on the tubes.

8. (Amended) A modular construction system according to ~~any one of claims 5-7, characterized in that~~ claim 5 wherein cutting sections have been formed on the substantially hollow ends of the tubes.

9. (Amended) A modular construction system according to ~~any one of claims 5-8, characterized in that~~ claim 5 wherein the construction system is provided with a clamping section for clamping a foil between the girder and the clamping section.

10. (Amended) A modular construction system according to claim 9, ~~characterized in that~~ wherein the girder is provided with a flange for supporting a pond edge.

11. (Amended) A modular construction system according to claim 10, ~~characterized in that~~ wherein the flange is bent obliquely upwards with respect to the ground level, so that it allows the ground level to continue to above the water level of a pond.

12. (Amended) A modular construction system according to ~~any one of claims 5-11,~~  
~~characterized in that~~ according to claim 5 wherein the tubes are provided with attachment means  
for attaching sheet elements and/or retaining walls.

13. (Amended) A modular construction system according to ~~any one of claims 5-12,~~  
~~characterized in that~~ claim 5 wherein the girder is ~~designed as~~ formed in a shape selected from  
the group consisting of a plate or tube.

14. (Amended) A method for building up a modular construction, in particular pond  
constructions or other garden constructions, comprising the steps of

rotating at least two tubes into the subsoil, ~~which are~~ wherein each of said tubes is provided  
with a substantially hollow end on the side rotated into the subsoil, and wherein screw thread-  
shaped flanges have been provided on the tubes for supporting in the subsoil,

setting the height of the tubes by axially pivoting them,

sliding coupling pieces on second ends provided on each of the tubes, wherein, during  
construction, the coupling pieces are axially freely pivotably supported on the second ends,

setting the axial orientation of the coupling pieces by pivoting them relative to the respective  
tubes, and

attaching a girder to the coupling pieces.

15. (Amended) A method for building up a modular construction according to claim 14, ~~characterized in that~~ wherein the method further comprises the step of locking the coupling pieces in an axial direction with respect to the tubes after setting the height of the tubes and setting the axial orientation of the coupling pieces.

16. (Amended) A method for building a pond construction according to the method of claim 14 ~~or 15, characterized in that, after the said steps, further, the steps are carried out of~~ comprising the further steps of digging a pond basin,

laying a foil in the pond basin, ~~en~~ and

attaching the foil to the girder.

17. (New) A modular construction system according to claim 9 wherein the clamping section is provided with a flange for supporting a pond edge.